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**OFFICE OF PETITIONS**

In re Patent No. 7,822,727  
Issued: October 26, 2010  
Application No. 10/710,356  
Filed: July 2, 2004  
Attorney Docket No. BOR-012

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: LETTER REGARDING  
: PATENT TERM ADJUSTMENT  
:  
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This is a decision on the "Request for Reconsideration of Patent Term Adjustment Determination Under 37 CFR § 1.705(d)" filed on December 13, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 540 days to 723 days.

The request for review of the patent term adjustment is **DISMISSED**.

Patentee is given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer**, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The patent term adjustment indicated in the patent is properly reflected.

Patentee fails to account for the filing of a Notice of Appeal on June 11, 2007. The 183 days of the over three year period consumed by appellate review, beginning on June 11, 2007 and ending on December 11, 2007 are not included in the B delay. See 35 U.S.C. § 154(b)(1)(B)(ii). As such, the patent term adjustment is 540 (422 + 580 - 183 - 26 - 253) days, not 723 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.

Patricia Faison-Ball  
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